

PATENT
Attorney Docket No.: CDL-026C3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Anderson et al. GROUP NO.: 3731
APPLICATION NO.: 10/698,970 EXAMINER: Woo, Julian W.
FILING DATE: October 31, 2003 CONF. NO.: 8805
TITLE: METHOD AND APPARATUS FOR TREATING
WRINKLES IN SKIN USING RADIATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. In accordance with § 37 C.F.R. 1.98, copies of the non-patent publications are enclosed.

Submission of any document(s), publication(s) or reference(s) herewith does not imply concession by Applicant(s) to any characterization of the document(s), publication(s) or reference(s) (including any statements therein), and no such concession is made.

REMARKS

In accordance with the provisions of 37 C.F.R., this statement is being filed (check one)

- (1) within three (3) months of the **filings date** of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the **date of entry of the national stage** as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the **first Office action** on the merits, or before the mailing of a **first Office action** after the filing of a request for continued examination under 37 C.F.R. 1.114; or
- (2) after the period defined in (1) but before the mailing date of a **final action** or a **notice of allowance** under 37 C.F.R. 1.311, and
 - the requisite Statement is below, **OR**
 - the requisite fee under 37 C.F.R. 1.17(p), namely **\$180.00**, is included herein, or

- (3) after the mailing date of a final action or notice of allowance but on or before the payment of the issue fee, **AND**
 - the requisite Statement is below, **AND**
 - the requisite fee under 37 C.F.R. 1.17(p), namely **\$180.00**, is included herein.

On December 19, 2006, Candela Corporation (“Candela”) filed a Complaint and Jury Demand, in the United States District Court, Eastern District of Texas (Civil Action No. 9:06-cv-00277) alleging that Palomar Medical Technologies, Inc. (“Palomar”) infringes certain patents owned by Candela by making, offering for sale and selling medical laser devices. The patents at issue include U.S. Patent Nos. 5,810,801; 6,120,497; and 6,659,999. The above-identified patent application (U.S.S.N. 10/698,970) is a continuation application of these aforementioned U.S. Patents. Applicants cite, and submit herewith copies of art made of record in Civil Action No. 9:06-cv-00277 as documents **C127-128**. Discovery is proceeding on a schedule set by the United States District Court, Eastern District of Texas, and a jury trial is expected in mid 2008. In accordance with Applicants’ duty of disclosure, Applicants bring to the attention of the U.S. Patent Office the existence of this litigation, and Applicants respectfully request that the existence of the litigation and the documents attached hereto be considered and made of record in this application.

It is respectfully requested that each of the publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application.

Respectfully submitted,

Date: February 8, 2008
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